

REMARKS

Applicants thank the Examiner for the thorough consideration of the present application. Claims 1, 3-6, 8, 10 and 11 are currently under consideration. Claim 7 has been withdrawn from consideration. Claim 9 has been cancelled. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth below.

Rejection under 35 U.S.C §103

Claims 1, 3, 5, 6, 8-11 stand rejected under 35 U.S.C §103 as being unpatentable over Stone (U.S. Patent 5,314,114), Stone (U.S. Patent 3,963,173), Giblin et al. (U.S. Patent 5,320,279), Gottfreid (U.S. Patent 5,348,147) and Pritchard et al. (GB 2 264 287). This rejection is respectfully traversed.

The Examiner relies on Stone'114 to show a paper container, having hexahedral configuration with the main body, lid member, an inner carton part with a concave cutout part and a severance guideline extending openly downward along the pair of side boards. The Examiner admits that this reference does not show the severance guideline extending from opposite ends of the connecting ridge line or a concave cutout part completely removed from the front board of the inner carton part.

The Examiner states that Stone '173 shows a container with an inner carton part having a concave cutout part completely removed from the front board and a severance guideline extending from opposite ends of the connecting ridge line.

The Examiner admits that the combination of the two Stone references does not disclose an inner carton part mounted on and separate from the container.

The Examiner states that both Giblin et al. and Pritchard et al. disclose a container with an inner carton part that may be separate from the container. The Examiner states that both Pritchard et al. and Gottfreid teach that it is desirable to have deep openings above the severance guideline. The Examiner feels that it would have been obvious to provide the container formed by the teachings of Stone, Stone, Giblin and Pritchard with a severance guideline positioned so that the upper half of the front board is above the severance guideline.

Applicants disagree with the Examiner's construction of the references. Applicants note that Gottfreid is formed from bottom channel members which leave a major opening in the vertical direction for removal of papers. This is covered by a box which covers the four sides but which only has flaps for being glued to the bottom. A tear strip is provided just above the flaps so that when removed, the entire box except for the flaps that are glued to the bottom, are removed to expose the inside portion for easy removal of the paper.

Applicants disagree that this reference teaches anything which when combined with the other four references helps to show the arrangement of the severance guideline as claimed. The severance guideline and tear strip of the present invention are not used to remove the entire box to expose the inner part only. The Examiner stated that this reference shows the depth of the cutout. The remaining portions of the Gottfreid device are not at all similar and accordingly,

Applicants submit that any teachings which can be found in Gottfreid are not relevant to the other references or the present invention. At least the remaining references deal with a box of the hinged top rather than the entire top being removable along with the sides to expose the entire inner carton part. Accordingly, Applicants submit that Gottfreid does not aid the other references to show these features.

It is also noted that the Examiner has admitted that the present claims overcome the combination of the four references which were previously cited, namely, Stone, Stone, Giblin et al. and Pritchard et al. Applicants submit that the teachings of Gottfreid do not aid these four references in rendering the present claims obvious.

Furthermore, Applicants submit that it would not be obvious to one skilled in the art to combine all five references together. Applicants submit that there is no motivation for one skilled in the art to combine the teachings from such a large number of different references. Further, it is not clear that all of these teachings could be made based on the construction of the box as shown. Thus, it is necessary for one skilled in the art to not only look at the shape of the box in its final form, but also to realize how it is being formed from the cardboard blank. Even if a change could be theoretically possible, the change must also be possible considering the construction of the blank from which the box is formed. In regard to motivation, the Examiner states that suggestions for the combination are found

in Stone '173, lines 41-45. Applicants submit that this is not sufficient motivation to combine five different references as suggested by the Examiner.

Claim 4 stands rejected under 35 U.S.C. § 103 as being obvious over the five way combination of references indicated above and further in view of Wood et al. (U.S. Patent 5,985,772). This rejection is respectfully traversed.

The Examiner cites Wood et al. to show a packaging material in several layers. The Examiner considers it obvious to fabricate the container from the five-way combination with the packaging material as taught by Wood et al. Applicants submit that claim 4 is allowable based on its dependency from allowable claim 1. Furthermore, Applicants submit that claim 4 is even less obvious by combining six references together. Accordingly, Applicants feel that claim 4 should likewise be considered allowable.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to

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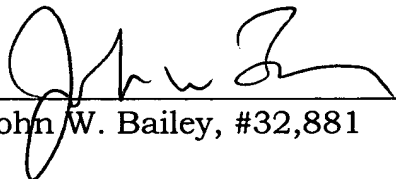
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conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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